

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

No. 21-683V

UNPUBLISHED

DOROTHY HARPER,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: November 17, 2022

Special Processing Unit (SPU);
Ruling on Entitlement; Concession;
Causation-In-Fact; Influenza (Flu)
Vaccine; Septic Arthritis

Renee J. Gentry, The Law Office of Renee J. Gentry, Washington, DC, for Petitioner.

Emily H. Manoso, U.S. Department of Justice, Washington, DC, for Respondent.

RULING ON ENTITLEMENT¹

On January 12, 2021, Dorothy Harper filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered right shoulder/arm pain, including septic arthritis. Amended Petition at 1, 6. Petitioner further alleges that the vaccination was administered within the United States, her symptoms persisted for more than six months, and that neither she, nor any other party, has ever filed any action, or received compensation in the form of an award or settlement for her vaccine-related injury. Amended Petition at 1, 6. The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this unpublished Ruling contains a reasoned explanation for the action in this case, I am required to post it on the United States Court of Federal Claims' website in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services). **This means the Ruling will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2012).

On November 3, 2022, Respondent filed his Rule 4(c) report in which he concedes that Petitioner is entitled to compensation in this case for septic arthritis of the right shoulder. Respondent's Rule 4(c) Report at 1. Specifically, Respondent concluded that Petitioner developed septic arthritis in her right shoulder, which was more likely than not caused by administration of a flu vaccine at the same location and no other causes for her septic arthritis have been identified. *Id.* at 6-7. Respondent further agrees that Petitioner's injury lasted for at least six months, and that the scope of damages to be awarded is limited to Petitioner's septic arthritis and its related sequelae only. *Id.*

In view of Respondent's position and the evidence of record, I find that Petitioner is entitled to compensation.

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master